IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.5946 OF 2006

Kalyan Dombivli Municipal Corporation .. Petitioner

Vs.

State of Maharashtra .. Respondent

Mr.M.S.Kamthekar i/b. Mr.A.S.Rao for the Petitioner.
Mr.P.I.Khemani, A.G.P. for the Respondent.

CORAM : DR.S.RADHAKRISHNAN & V.M.KANADE, JJ.

DATE : 7TH SEPTEMBER, 2006.

P.C.:

1. Heard the learned Counsel for the Petitioner and the learned A.G.P. for Respondent. By this Petition, the Petitioner is challenging the seizure of ambulance bearing No.MH-05 8916, belonging to the Petitioner-Kalyan Dombivli Municipal Corporation. The learned Counsel for the Petitioner pointed out that the said vehicle had been brought into Mumbai in an emergency as there was a patient, who was very crucially ill. He had to be rushed to Sion Hospital, as there was no other vehicle available to carry the patient to Sion Hospital. The Petitioner also points out that the said vehicle was not used for any commercial purpose and it is used for only transporting the patients who were ill and that too by the Municipal Corporation, which is public utility concern. The learned Counsel for the Petitioner also undertakes that the Petitioner-Corporation will file an undertaking that the Corporation will not bring the said vehicle within the Municipal Limits of Greater

Mumbai hereinafter.

2. In view thereof, we direct Respondent No.2 to release the said ambulance on furnishing an undertaking by the Petitioner in this Court that the Petitioner will not ply the said vehicle within the Municipal Limits of Greater Mumbai. Upon the said undertaking being furnished in this Court and before the Respondent, the Respondent is directed to release the ambulance forthwith. Rule is accordingly made absolute.

(DR.S.RADHAKRISHNAN,J.)

(V.M.KANADE,J.)